

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

ANTHONY DEWAYNE EUBANKS,

Petitioner,

VS.

WARDEN McDONNELL and
THE ATTORNEY GENERAL FOR
THE STATE OF ALABAMA,

Respondents.

CIVIL ACTION NO. 05-IPJ-RRA-0202-W

MEMORANDUM OPINION

This is a habeas corpus petition. The magistrate judge entered a report and recommendation recommending that the respondents' motion for summary judgment be granted and the action dismissed. Objections have been filed. The court has considered the entire file in this action, including the report and recommendation and the petitioner's objections to the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed. An appropriate order will be entered.

Done this 5th day of September 2006.

Chas. Pratt Johnson

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE